

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO REVISE AND UPDATE; TO MODIFY TABLE 2.1-1 REGARDING DENSITY CALCULATIONS; TO MODIFY TABLE 2.1-1 REGARDING THE EXISTENCE OF THE HIGH RESIDENTIAL 18 LAND USE DESIGNATION PRIOR TO THE PRESENT COMPREHENSIVE PLAN'S ADOPTION IN 1989; TO REVISE TABLE 2.1-1 REGARDING THE AGRICULTURAL PRODUCTION (AP) LAND USE CATEGORY IN THE GLADES TIER; TO REVISE REGARDING MINIMUM REQUIRED ACREAGE FOR FARM WORKER HOUSING; AND TO REVISE POLICY 1.2.4-D REGARDING THE PALM BEACH INTERNATIONAL AIRPORT (PBIA) FLIGHT PATH); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 18 & 25 and July 9, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 19, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 17, 2004 the

1 Department of Community Affairs "Objections, Recommendations, and
2 Comments Report," dated November 15, 2004 which was the Department's
3 written review of the proposed Comprehensive Plan amendments; and

4 WHEREAS, the written comments submitted by the Department of
5 Community Affairs contained no objections to the amendments contained
6 in this ordinance;

7 WHEREAS, on December 13, 2004 the Palm Beach County Board of
8 County Commissioners held a public hearing to review the written
9 comments submitted by the Department of Community Affairs and to
10 consider adoption of the amendments; and

11 WHEREAS, the Palm Beach County Board of County Commissioners has
12 determined that the amendments comply with all requirements of the
13 Local Government Comprehensive Planning and Land Development
14 Regulations Act.

15 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
16 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

17 Part I. Amendments to the 1989 Comprehensive Plan

18 Amendments to the text of the following Elements of the 1989
19 Comprehensive Plan are hereby adopted and attached to this Ordinance
20 in Exhibit 1:

21 A. Future Land Use Element, To revise and update; to modify
22 Table 2.1-1 regarding density calculations; to modify Table
23 2.1-1 regarding the existence of the High Residential 18
24 land use designation prior to the present Comprehensive
25 Plan's adoption in 1989; to revise Table 2.1-1 regarding
26 the Agricultural Production (AP) land use category in the
27 Glades Tier; to revise regarding minimum acreage required
28 for Farm Worker Housing; and to revise Policy 1.2.4-d
29 regarding the Palm Beach International Airport (PBIA)
30 flight path; and

31 C. Amending all elements as necessary for internal
32 consistency.
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1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 Part V. Effective Date

17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
21 applicable. No development orders, development permits, or land uses
22 dependent on this amendment may be issued or commence before it has
23 become effective. If a final order of noncompliance is issued by the
24 Administration Commission, this amendment may nevertheless be made
25 effective by adoption of a resolution affirming its effective status,
26 a copy of which resolution shall be sent to the Florida Department of
27 Community Affairs, Division of Community Planning, Plan Processing
28 Team. An adopted amendment whose effective date is delayed by law
29 shall be considered part of the adopted plan until determined to be
30 not in compliance by final order of the Administration Commission.


1 Then, it shall no longer be part of the adopted plan unless the local
2 government adopts a resolution affirming its effectiveness in the
3 manner provided by law.

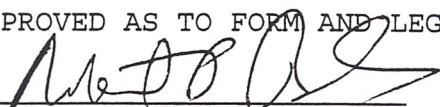
4 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
5 Beach County, on the 13 day of December, 2004.

6
7 ATTEST:
8 DOROTHY H. WILKEN, Clerk

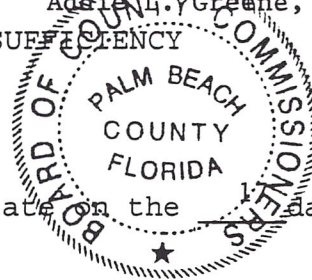
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

9
10 By: 
11 Deputy Clerk

By: 
12 ~~Tony Masilotti, Chairman~~
13 Addie H. Greene, Vice-Chair

14 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
15 
16 COUNTY ATTORNEY

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19 Filed with the Department of State on the 13 day of
20 December, 2004.



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23 T:\Planning\AMEND\04-2\admin\bccadopt\Ordinances\FLUE Revisions.doc

EXHIBIT 1

A. Future Land Use Element, Future Land Use Element (FLUE) revisions

REVISIONS: To revise and update. The revisions are shown with the added text underlined and the deleted text ~~struck-out~~.

1-3. Revised Text, Table 2.1-1 Notes, Page 41

The following represents amended text to the notes under Table 2.1-1 (Residential Categories & Allowed Densities), as represented by the first, second, and third amendments described above:

- 1. The Standard density is the highest density permitted in each future land use category, unless the parcel is developed as a Planned Development District, Traditional Development District or is granted an exemption pursuant to this Element.
- 2. The Entitlement density is as shown, or 1 unit per lot, whichever is greater.
- 3. High Residential 12 is the maximum density allowed by the Comprehensive Plan except for ~~these~~ an areas that ~~hads~~ had a future land use designation of High Residential 18 ~~prior to adoption of the 1989 Comprehensive Plan~~ as the equivalent to the designation the area had under the prior Comprehensive Plan effective from 1980 to 1989 or for development that qualifies for a density bonus provided for in FLUE Policy 1.2-d.
- 4. The density calculation for a property is based on the property's gross acreage.
- 5. That portion of a property dedicated for right-of-way in exchange for compensation may not subsequently be included with the parent property or another property for the purpose of a density or intensity calculation.

4. Revised Text, Table 2.1-1

The following represents a portion of Table 2.1-1 and indicates the text proposed to be deleted that references the allowed density for the AP land use designation, as represented by the fourth amendment described above:

TABLE 2.1-1
RESIDENTIAL CATEGORIES & ALLOWED DENSITIES

CATEGORY	Dwelling Units Per Gross Acres			
	Maximum	Standard ¹	Minimum	Entitlement ²
Agricultural Production	---	0.10 DU/AC	---	---

5. Revised Text: Non-residential boundary determinations, Page 106

In some cases, rear portions of lots intended to be designated Commercial or Industrial may appear to lie outside the mapped area due to the lack of detail of the Future Land Use Atlas and the actual configuration of a lot or lots. Therefore, the information in ~~Figure 4~~ Table 2.2.2-1 will be used in determining the specific depth of commercial or industrial designations where individual lot lines are not coterminous with a mapped future land use. All disputes regarding land use boundaries, including residential density, will be decided using the Future Land Use Atlas and ~~Figure 4~~ Table 2.2.2-1, where applicable.

6. Revised Text: Policy 1.2.4-d, Page 20

Within the WCRAO, a parcel may be eligible to be rezoned to Industrial although it as a future land use designation that does not typically permit industrial uses, provide that it is within the Flight Path of the Palm Beach International Airport, as ~~shown on the Future Land Use Atlas~~ determined by the Airports Department under Article 16 of the Unified Land Development Code.

7. Revised Text: Policies 1.5.1-g, 1.5.1-i.6.c, and 1.5.1-k.1, Page 33

Policy 1.5.1-g:

The County shall designate the preserve areas of all AgR-PDDs if the preserve area is not contiguous to the developed area on the Future Land Use Atlas as an Agricultural Reserve Preserve after approval of the AgR-PDD. If development rights are retained on

the preserve area, for purposes of providing farm worker quarters consistent with Future Land Use Policy 1.5.1-k and Housing Policy 1.4-d or grooms quarters consistent with Future Land Use Policy 1.5.1-k, the number of farm worker quarters or grooms quarters which may be located on the preserve area shall also be noted on the Future Land Use Atlas.

Policy 1.5.1-l:

6. that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map and be maintained in agriculture, passive recreation or other open space use. The preserve area shall :
 - c) be utilized for crop production, pasture, equestrian purposes, retained as fallow land or, if designated by the South Florida Water Management District as a Water Preserve Area, or to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water Management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management, managed for environmental resource values. Accessory agricultural structures such as barns and pump structures shall be permitted. Agricultural support uses such as processing facilities, and the like shall not be accommodated in the protected area of an AgR-PDD; nor shall new residential uses be accommodated thereon except for farm worker quarters as described in Future Land Use Policy 1.5.1-k and Housing Policy 1.4-d or grooms quarters as described in Future Land Use Policy 1.5.1-k;

Policy 1.5.1-k:

To accommodate farm worker housing or grooms quarters, some density may be retained on the preserve areas of 60/40 Agricultural Reserve Planned Development Districts (AgR-PDDs). Such housing may be located on these preserve areas at the following densities:

1. Farm worker quarters – a minimum site size of 25 acres per Housing Policy 1.4-d and a maximum density of one unit per acre, provided such units are clustered onto a single compact area of the preserve area and are restricted to occupancy by farm workers.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on December 13, 2004
dated at West Palm Beach, FL on 1/28/05
By: Sharon Bock
Deputy Clerk